

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DISTRICT COURT
BRUNSWICK DIV.

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SO. DIST. OF GA.

MATTHEW MANGRAM,

Plaintiff,

vs.

CIVIL ACTION NO.: CV211-195

DAYQUAN MANGRAM; LADELL
ELLIS; MOONPIE HARDEY; and
CHRIS HARDEY,

Defendants.

ORDER and MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

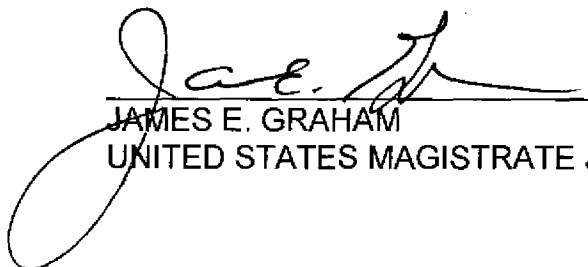
Plaintiff filed an action pursuant to 42 U.S.C. § 1983. Plaintiff also filed a motion to proceed *in forma pauperis*. The court must dismiss the complaint or any portion of the complaint that is frivolous, malicious, fails to state a claim upon which relief may be granted, or seeks monetary damages from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

Plaintiff names as Defendants: DayQuan Mangram; Ladell Ellis; Moonpie Hardey; and Chris Hardey. These individuals appear to be Plaintiff's co-defendants in a state criminal prosecution. "In order to prevail on a civil rights action under § 1983, a plaintiff must show that he or she was deprived of a federal right by a person acting under color of state law." Griffin v. City of Opa-Locka, 261 F.3d 1295, 1303 (11th Cir. 2001). "[S]tate action requires *both* an alleged constitutional deprivation 'caused by the exercise of some right or privilege created by the State or by the rule of conduct

imposed by the State or by a person for whom the State is responsible,' and that 'the party charged with the deprivation must be a person who may fairly be said to be a state actor.'" Patrick v. Floyd Med. Ctr., 201 F.3d 1313, 1315 (11th Cir. 2000) (emphasis in original) (citation omitted).

Plaintiff fails to make any factual allegations against the named Defendants. Even if Plaintiff had done so, he fails to show that he suffered a constitutional deprivation based on Defendants' actions. Additionally, it appears that none of the named Defendants were state actors. Plaintiff's request to proceed *in forma pauperis* is **DENIED**. Plaintiff's Complaint should be **DISMISSED** based on his failure to state a claim on which relief may be granted.

SO ORDERED and **REPORTED** and **RECOMMENDED**, this 3rd day of January, 2012.


JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE